



Number 6 July 2009

SAFETY ALERT

Kart track fined by Worksafe – Record Fine !



Purpose

This safety alert informs motor sport stakeholders including, track operators, venue managers officials, competitors, pit/ service crews and contractors of the need to ensure a safe workplace for all - not just employees.

The safety alert also provides basic safety guidelines to assist in the use of contemporary safety processes.

Background

A recent finding of the County Court of Victoria resulted in a Melbourne Kart Track hire operation being successfully prosecuted by the Director of Public Prosecutions and fined \$1.4 Million dollars, not only for what occurred on that day, but what had not occurred in the lead up to the incident and for the organisation not instituting simple measures to prevent such an incident from occurring.

CAMS considers that it is very relevant to bring the issues noted in the judgement to the attention of all track operators and venue managers.

The evidence before Judge Allen, against the Venue Operator was uncontested by the defendant. The defendant was in charge of, and responsible for, the property on which the activity took place and was also responsible for the condition of the vehicles which were being hired and raced.

A summary of the incident is

- The incident involved the tragic death of a driver during a “ hire-and-drive ” session.
- The driver failed to take a corner and drove her kart into a barrier.
- The barrier was faced with loose stacks of tyres.
- The driver was wearing a loose fitting seat belt.
- The decelerative forces were such that the tyre buffers, in the condition they were in, offered inappropriate speed attenuation.
- The seat belts were loose and ill fitting and her head hit the steering wheel.

The prosecution 's evidence highlighted the inadequacies in the use of ineffectual tyre buffers, the incorrect use and fitting of seatbelts and the lack of attention to minimising foreseen and previously identified incidents.

Contemporary safety processes

CAMS makes no comment about the appropriateness or otherwise of installations or the manner in which the venue was operated, as it did not undertake its own investigation. However, CAMS seeks to remind Venue Operators of the need to ensure contemporary safety processes must exist.

This includes those relatively simple issues which were involved in this particular case:

Disclaimer

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- Risk Assessments and implementation of appropriate treatments to mitigate risk as much as is practicable
- Where seatbelts and/or safety harnesses are fitted they should be correctly adjusted/tightened to fit the vehicle occupants.
- Tyre Barriers/Buffers should be linked together to avoid loose tyres separating from the barrier.

CAMS notes the finding quotes “The (OH&S) Act does not require employers to ensure that accidents never happen. It requires them to take such steps as are practicable to provide and maintain a safe environment ”

CAMS advice to all affected persons and organisations engaged in similar activities is to consider the outcomes of this particular judgement and how this applies to your particular venue and/or operations. These are fundamental components of an OH&S Management System.

Consistent with CAMS *Safety 1st* approach to motor sport, raising awareness of these important issues is a part of it 's commitment to information sharing, education and consultation with its key stakeholders.

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